

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6860

Petitions of Vermont Electric Power Company, Inc.)
(VELCO) and Green Mountain Power Corporation)
(GMP) for a certificate of public good, pursuant to)
30 V.S.A. Section 248, authorizing VELCO to)
construct the so-called Northwest Vermont)
Reliability Project, said project to include: (1))
upgrades at 12 existing VELCO and GMP)
substations located in Charlotte, Essex, Hartford,)
New Haven, North Ferrisburgh, Poultney, Shelburne,)
South Burlington, Vergennes, West Rutland,)
Williamstown, and Williston, Vermont; (2) the)
construction of a new 345 kV transmission line from)
West Rutland to New Haven; (3) the reconstruction)
of a portion of a 34.5 kV and 46 kV transmission line)
from New Haven to South Burlington; and (4) the)
reconductoring of a 115 kV transmission line from)
Williamstown to Barre, Vermont –)

Order entered: 10/7/2010

ORDER RE HERBICIDE MIGRATION STUDY PROTOCOL AND EXPERT

I. INTRODUCTION

On July 13, 2010, the Public Service Board ("Board") conditionally approved the application of herbicides by Vermont Electric Power Company, Inc., and Vermont Transco LLC (collectively, "VELCO"), at three substations that are part of the Northwest Vermont Reliability Project (the "NRP Project"). The July 13 Order required VELCO to commission an independent study of the potential for herbicide migration outside the Charlotte substation borders, and file the completed study no later than December 31, 2010. The Board also ordered that the proposed study protocol be approved by the Board prior to the study commencing. In today's Order we approve the proposed protocol for the study.

II. PROPOSED EXPERTS AND STUDY PROTOCOL

On September 17, 2010, VELCO filed a study proposal as required by the July 13 Order. In its filing VELCO proposed that TRC Solutions, Inc. ("TRC") perform the required study and requested that the Board approve the scope of work as proposed by TRC.

In its proposal TRC represented itself as:

a large environmental consulting firm with more that 2,000 employees nationwide. In our Lowell, Massachusetts office, we have more than 125 staff, including an Environmental Remediation Group consisting of 25 staff members comprised of geologists, engineers, hydro-geologists, ecologists, risk assessors, and public health professionals. Our staff has extensive experience providing independent technical reviews, litigation support, environmental fate and transport modeling, risk assessments, wetland ecological assessments, and "cleanup" remediation strategies for governmental, industrial, commercial, and utility clients.

TRC identified staff that would work on the study and provided information on their education, professional certifications and representative experience.

In its scope of work proposal, TRC proposed to evaluate the potential for herbicides to migrate beyond the Charlotte substation footprint. TRC proposed to complete this evaluation through three primary tasks:

- Task 1. Herbicide Material Data Collection and Review
- Task 2. Herbicide Mobility and Migration
- Task 3. Summary Report

Task 1 would involve gathering publically available background information on the herbicides used by VELCO, a review of substation construction plans as well as "as built" drawings, a site visit to the Charlotte substation to confirm site conditions, a determination of typical herbicide application methods and rates, a review of site-specific data regarding herbicide applications, a review of scientific literature, and a summary of adjacent land uses to outline potential herbicide use in surrounding areas. Task 2 would include a review of the literature related to fate and transport behavior of the specified herbicides and the formulation of a migration conceptual model. Task 3 would include the preparation of a summary report. As part of the report TRC would identify whether there is potential for migration of herbicides outside of the Charlotte substation, and if so, whether further evaluation of herbicide application procedures is warranted.

Comments

On September 28, 2010, Lynrick Acres Area Neighbors ("LAAN"), which is not a formal party, filed a letter providing comments on VELCO's proposal. LAAN's letter was generally supportive of TRC's proposal, but did include several recommendations. LAAN's first recommendation was that the Board engage the services of an independent consultant to assist the Board in evaluating the study. LAAN reasoned that the Board, the Department of Public Service, VELCO, and other affected parties do not have the expertise required to evaluate the study.

LAAN also recommended that the summary report include mention of the distance from soil or stone surface to groundwater.

LAAN further had many recommendations regarding herbicide risk assessment and toxicology in general, including a request that the assessment consider endocrine disrupting compounds ("EDC"). LAAN also questioned whether TRC's toxicologist for the project is appropriately experienced in light of LAAN's recommendations with respect to EDCs.

Discussion

With respect to LAAN's assertion that neither the Board nor the other parties have the requisite expertise to evaluate the study, we do not agree. The Board employs highly skilled and qualified staff with a variety of expertise, including competencies in environmental modeling. Further, the Board believes that the Agency of Natural Resources is likely to have personnel with the highly specialized expertise necessary to evaluate the study. Finally, we expect VELCO to comply with the requirements of the July 13 Order, that is, the study will be conducted by an independent third party. Therefore, it appears unnecessary for the Board to hire an independent consultant to evaluate the study at this time.

We agree with LAAN that mention of the distance from soil or stone surface to groundwater should be included in the summary report.

Regarding LAAN's recommendations concerning herbicide risk assessment, toxicology and EDCs, we note that the required study is focused on the potential for herbicide migration outside of the substation borders, as was suggested by LAAN in its October 12, 2009, letter to the Board, and not necessarily a toxicological study. We therefore conclude that the proposed study

meets the requirements of our July 13 Order, and will not adopt as requirements any of LAAN's recommendations regarding herbicide risk assessment. TRC has proposed to summarize and document all information reviewed, including information on herbicides used, in its final report. We assume that TRC's report will include the toxicological characteristics of the herbicides used, and we recommend that this include consideration of EDCs as appropriate.

III. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board ("Board") of the State of Vermont that:

1. The herbicide migration study proposal filed by Vermont Electric Power Company, Inc., and Vermont Transco LLC on September 17, 2010, is approved
2. The proposed study shall be performed in accordance with the scope of work submitted. Any material or substantial change in the study is prohibited without prior Board approval.
3. The final report shall include a measurement of the distance from soil or stone surface to groundwater.
4. The study shall be completed and filed no later than December 31, 2010.

SO ORDERED.

DATED at Montpelier, Vermont, this 7th day of October, 2010.

_____)	
)	PUBLIC SERVICE
)	
s/ David C. Coen)	BOARD
)	
)	OF VERMONT
s/ John D. Burke)	

OFFICE OF THE CLERK

Filed: October 7, 2010

Attest: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)